

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
AFRODITE SEA TRADE S.A.,

Plaintiff

— v. —

SHINE STAR SEA-TRANSPORT  
PTE, LTD., *et al.*

Defendants.

X

X

X

X

X  
-----X

**07 CV 5626 (DAB)**

**ELECTRONICALLY FILED**

**REPLY DECLARATION OF WANG LIANXUE  
IN SUPPORT OF MOTION TO DISMISS**

Pursuant to 28 U.S.C. § 1746, WANG LIANXUE declares under penalty of perjury as follows:

1. I have reviewed the Declaration of Roy Albert Hewett, as well as the exhibits thereto, and the Memorandum of Law of Plaintiff Afrodite Sea Trade S.A. in Opposition to the Motion to Vacate or to Reduce Order of Attachment of Defendant Benxi Northern Steel Pipes Co. Ltd.

2. I make this Declaration based upon my personal knowledge of the facts and circumstances herein. Insofar as the contents of this Declaration are not within my own direct knowledge, they are true to the best of my information and belief.

3. As I explained in my first declaration, the subject shipment was sold "free on board" ("F.O.B."). A copy of the Commercial Invoice showing the terms of sale is attached hereto as Exhibit "D." The buyer, Ruby Star Pty Ltd. ("Ruby Star"), is owned by East Diamond Inc.

4. The letter of credit opened by Ruby Star to pay for the subject shipment required that Benxi Northern Steel Pipes Co. Ltd. ("Benxi") present, *inter alia*, a bill of lading issued by Asia Access Express Co. Ltd. ("Asia Express") in order to collect under the letter of credit. See Exhibit "E" attached hereto.

5. Ruby Star instructed its agent, Asia Access Express Co. Ltd., to issue Bill of Lading AAL/JED 040024 on April 25, 2007. We then presented Bill of Lading AAL/JED 040024 to the bank for payment under the letter of credit.

6. It is my understanding that Bill of Lading AAL/JED 040024 was re-issued on May 5, 2007 to be used by Ruby Star when the cargo was picked-up at its destination.

7. It is claimed that a representative of Benxi signed a receipt for Bill of Lading XJ12. I have looked at the alleged receipt, which is attached as Exhibit "RAH 3" to the Hewett Declaration, and can confirm that the company that allegedly signed for Bill of Lading XJ12 was not a representative of Benxi. Benxi has no relationship to Tianjin.

8. In addition to the foregoing, it should be noted that Benxi is a wholly owned joint venture of Beitai Iron & Steel Group Co., Ltd. ("Beitai") and North Steel HK Ltd. ("North Steel"). North Steel is wholly owned by Beitai. Beitai is 100% owned by the government of the People's Republic of China. I was unaware of the significance of this fact in connection with maritime attachments under United States law and so did not previously advise Benxi's attorneys of this.

**[DECLARATION CONTINUES ON NEXT PAGE]**



9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: March , 2008  
Benxi City, People's Republic of China



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WANG LIANXUE



**EXHIBIT**

**"D"**


**Benxi Northern Steel Pipes Co., Ltd**

北 台 No.138 YUMING ROAD, MINGSHAN DISTRICT, BENXI CITY, LIAONING PROVINCE CHINA

**COMMERCIAL INVOICE**

 TO: RUBY STAR PTY LTD.  
 50 MARKET SQUARE PO BOX 364,  
 BELIZE CITY,BELIZE

INVOICE NO. 20070326

TOTAL: 1 PAGE

INVOICE DATE: March 28 th, 2007

FROM TIAN JIN XINGANG SEAPORT TO JEDDAH PORT SAUDI ARABIA

DESCRIPTN OF GOODS&amp; / OR SERVICES:

FOB TIANJIN XINGANG PORT

STEEL PIPE

1.24"x9.5MM X12 METER Q'TY: 6 PCS

2.30"x9.5MM X12 METER Q'TY: 3 PCS

3.36"x9.5MM X12 METER Q'TY: 10 PCS

4.48"x9.5MM X12 METER Q'TY: 22 PCS

5.52"x11.9MM X6 METER Q'TY: 16 PCS

6.52"x10.3MM X6 METER Q'TY: 48 PCS

TOTAL Q'TY:105 PCS

AS PER P/I NO.PI07602

DOC.CREDIT NUMBER:7UH1700011001

Commodity	Size	Quantity	Net Weight	Gross Weight	Unit FOB Price (Usd/Mt)	Total FOB Value of Goods(Usd)
STEEL PIPE	24"x9.5mmx12M	6 Pcs	10.13 Mt	10.13 Mt	525	5,318.25
STEEL PIPE	30"x9.5mmx12M	3 Pcs	6.35 Mt	6.35 Mt	525	3,333.75
STEEL PIPE	36"x9.5mmx12M	10 Pcs	25.43 Mt	25.43 Mt	525	13,350.75
STEEL PIPE	48"x9.5mmx12M	22 Pcs	74.80 Mt	74.80 Mt	525	39,270.00
STEEL PIPE	52"x11.9mmx6M	16 Pcs	95.90 Mt	95.90 Mt	525	19,351.50
STEEL PIPE	52"x10.3mmx6M	48 Pcs	36.86 Mt	36.86 Mt	525	50,347.50
Total		108 Pcs	249.47 Mt	249.47 Mt		130,971.75

Total Quantity in Metric Tons: 249.47 tons

Total Gross Weight: 249,470.00 Kgs

Number of pieces: 105 pieces

Total Net Weight:249,470.00 Kgs

Number of bundles:36 bundles

 本溪北方钢管有限公司  
 BENXI NORTHERN STEEL PIPES CO., LTD.

AUTHORIZED SIGNATURE

# **EXHIBIT**

**"E"**



2007MAR26 09:21:51  
MT 5700

ISSUE OF A DOCUMENTARY CREDIT

LOGICAL TERMINAL 8F12

PAGE 00001

MON 0826PRQ2

MSGACK DWS7351 AETH OK, REF B1060820AT320E77, BACHCABJ NDBTTWTF RECORD

BASIC HEADER F 01 BACHCABJAS26 1486 800011

APPLICATION HEADER 0 700 1808 070322 NDBTTWTF803 1996 209392 070322 1803 N

\*TAIWAN BUSINESS BANK

\*TAIPEI

\*{OFFSHORE BANKING BRANCH}

USER HEADER SERVICE CODE 103:

BANK PRIORITY 113:

MSG USER REF. 102: INT

INFO. FROM CI 115:

SEQUENCE OF TOTAL \*27 : 1 / 1

FORM OF DOC. CREDIT \*40 A : IRREVOCABLE

DOC. CREDIT NUMBER \*20 : 7001700011001

DATE OF ISSUE 21 C : 070322

APPLICABLE RULES \*40 E : ICCP LATEST VERSION

EXPIRY \*31 D : DATE 070306 PLACE IN CHINA

APPLICANT \*50 : ROBY STAR PTY LTD.  
80 MARKET SQUARE PO BOX 304,  
BELIZE CITY, BELIZE

BENEFICIARY \*59 : BENXI NORTHERN STEEL PIPES  
CO., LTD. NO.138 XINING ROAD  
MINGSHAN DISTRICT, BENXI CITY, CHINA  
T:86-414-720-1001 F:86-414-726-8888

AMOUNT \*32 B : CURRENCY USD AMOUNT 130,971.75

POS. / NEG. TOL.(%) 39 A : 0 / 0

AVAILABLE WITH/OUT \*41 D : ANY BANK

BY NEGOTIATION

DRAFTS AT 42 C : DRAFT AT SIGHT  
FOR FULL INVOICE VALUE SHOWING THIS  
DOCUMENTARY CREDIT NUMBER

DRAWEE 42 D : TAIWAN BUSINESS BANK

PARTIAL SHIPMENTS 43 F : PROHIBITED

TRANSHIPMENT 43 T : ALLOWED

PORT OF LOADING/AIRPORT

OF DEPARTURE 44 E :

ANY CHINESE SEAPORT

PORT OF DISCHARGE/AIRPORT

OF DESTINATION 44 F :

JEDDAH PORT, SAUDI ARABIA

LATEST DATE OF SHIP 14 C : 070420

DESCRIPT. OF GOODS 45 A :

FOR CHINESE PORT

STEEL PIPE

1. 24" X 9.5 MM X 12 METER QTY : 6 PCS

2. 30" X 9.5 MM X 12 METER QTY : 3 PCS

3. 30" X 9.5 MM X 12 METER QTY : 10 PCS

4. 48" X 9.5 MM X 12 METER QTY : 22 PCS

5. 52" X 11.9 MM X 6 METER QTY : 16 PCS

6. 52" X 10.3 MM X 6 METER QTY : 48 PCS

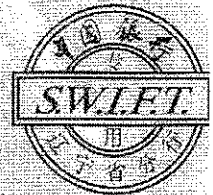
TOTAL QTY : 105 PCS

AS PER P/I NO. P107802

DOCUMENTS REQUIRED 46 A :

+SIGNED COMMERCIAL INVOICE IN THREE COPIES INDICATING THIS CREDIT  
NUMBER.

+FULL SET OF CLEAN ON BOARD MARINE BILLS OF LADING ISSUED BY  
ASIA EXPRESS FREIGHT CO., LTD. TEL: 766-8231-8519 ATTN: MR. CHAO  
CONSIGNED TO ROBY STAR PTY LTD NOTIFY EAST DIAMOND INC. 2F-1,  
NO.5, JINZHOU STREET, TAIPEI, TAIWAN HANKU 'FREIGHT COLLECT'  
AND FREIGHT PAID BY APPLICANT, INDICATING THIS CREDIT NUMBER,  
AND SHIPMENT RECEIVED BY BILL ABOVE



2007MAR26 09:21:51  
MT 8700

ISSUE OF A DOCUMENTARY CREDIT

LOGICAL TERMINAL 2212  
PAGE 00002  
ENC 13247802

\*SIGNED PACKING LIST IN 3 COPIES.  
 \*CERTIFICATE OF ORIGIN.  
 \*BILL OF INSPECTION CERTIFICATE IN 3 SETS.  
 \*MATERIAL CERTIFICATE.  
 \*BENEFICIARY'S CERTIFICATE STATING THAT:  
 ONE COPY OF BILL OF LADING, COMMERCIAL INVOICE, PACKING LIST,  
 BILL OF INSPECTION CERTIFICATE AND MATERIAL CERTIFICATE HAVE BEEN  
 MAILED BY COURIER TO EAST DIAMOND INC., (ADD: 27-1, NO.5,  
 JINZHO STREET, TAIPEI, TAIWAN).  
 THE COURIER RECEIPT MUST BE PRESENTED UPON NEGOTIATION.

ADDITIONAL CORR. 47 :

\*IN THE EVENT THAT DOCUMENTS PRESENTED HEREUNDER ARE DETERMINED  
 TO BE DISCREPANT, WE MAY SEEK A WAIVER OF SUCH DISCREPANCIES  
 FROM THE APPLICANT. SHOULD SUCH A WAIVER BE OBTAINED, WE MAY  
 RELEASE THE DOCUMENTS AND EFFECT SETTLEMENT,  
 NOTWITHSTANDING ANY PRIOR COMMUNICATION TO THE PRESENTER THAT WE  
 ARE HOLDING DOCUMENTS AT THE PRESENTER'S DISPOSAL, UNLESS WE  
 HAVE BEEN INSTRUCTED BY THE PRESENTER PRIOR TO OUR RELEASE OF  
 DOCUMENTS.

\*TO NEGOTIATING BANK: WE WILL REMIT PROCEEDS TO YOU IN ACCORDANCE  
 WITH YOUR INSTRUCTIONS AFTER DEDUCTING ALL RELATIVE REIMBURSING  
 CHARGES INCURRED.

\*DISCREPANCY FEE OF US\$80.00 WILL BE FOR ACCOUNT  
 OF THE BENEFICIARY IF DOCUMENTS CONTAINING DISCREPANCIES ARE  
 PRESENTED TO YOU UNDER THIS CREDIT.

\*IF DISCREPANT DOCUMENTS ARE PRESENTED, WE WILL SEEK THE  
 APPLICANT'S APPROVAL TO TAKE UP DOCUMENTS DESPITE DISCREPANCIES.  
 IF THE APPLICANT ACCEPTS ANY SUCH DISCREPANT PRESENTATIONS THIS  
 WILL NOT IMPLY THAT THE LETTER OF CREDIT IS THEREBY AMENDED OR  
 EXTENDED.

DETAILS OF CHARGES 71 U : \*ALL BANKING CHARGES EXCEPT  
 L/C OPENING CHARGE IF ANY ARE  
 FOR ACCOUNT OF BENEFICIARY.

PRESENTATION PERIOD 48 : \*DOCUMENTS MUST BE PRESENTED FOR  
 NEGOTIATION WITHIN 12 DAYS FROM  
 THE DATE OF SHIPMENT, BUT WITHIN  
 THE VALIDITY OF THIS CREDIT.

CONFIRMATION \*49 : WITHOUT  
 INSTRUCTIONS 78 :

\*FOR REIMBURSEMENT: ON RECEIPT OF DOCUMENTS CONFORMING TO THE  
 TERMS AND CONDITIONS OF THIS CREDIT, WE UNDERTAKE TO REIMBURSE  
 THE NEGOTIATING BANK AT SIGHT IN ACCORDANCE WITH THEIR  
 INSTRUCTIONS.

\*NEGOTIATING BANK MUST FORWARD ALL DOCUMENTS TO OUR  
 OFFSHORE BANKING UNIT

3F, 80.39, TA CHENG STREET TAIPEI 103, TAIWAN R.O.C.  
 BY COURIER SERVICE IN ONE COVER.

TRAILER

ORDER IS <MAC:> <PAI> <ENC> <CHK> <TAG> <PDE:>  
 MAC:00D59308  
 CHK:0ABE2E1B2D4B  
 EN BECH00JAS10 270.23 1441

